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THE THIRD
CHARGE
OF

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Sir Clifford W^m Philipps, Kn^t.

TO THE
GRAND JURY
OF THE

Royalty of the *Tower* of *London*,
Liberties, and Precincts thereof,

AT THE

General *Quarter Session* of the Peace held for
the said Royalty, on *Monday* the Thirteenth
Day of *October*, 1746, at the Court-house
on *Great Tower-Hill*.

*Printed at the Desire of the Justices of the Peace
for the said Royalty, and of the Grand Jury.*

THE SECOND EDITION.

LONDON

Printed; and Sold by W. MEADOWS, at the *Angel* in
Cornhill; and C. CORBETT against *St Dunstan's*
Church in *Fleet-street*. M.DCC.XLVII.

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7/00/49 E. & Allen & Son
Tower and Liberty } *At the General Quarter*
of the Tower of } *Session of the Peace of our*
London. } *LORD the KING, held at*

the Court-house on Great
Tower-Hill, within the Li-
berty of the Tower of Lon-
don, in and for the Liber-
ty aforesaid, and Precincts
thereof, on Monday the
13th Day of October, in
the Twentieth Year of the
Reign of our Sovereign
LORD GEORGE the
Second, KING of Great
Britain, &c.

THIS Court being of an Opinion, that the Charge this Day given by Sir *Clifford William Philipps*, Knt. the Chairman of this Court, to the *Grand Jury*, sworn to enquire for the Body of the said Liberty, is a most excellent, judicious, and loyal Charge; fully shewing the Origin of Civil Government, our happy Constitution, the Miseries of the People under *Popish* Monarchs, the Blessings we now enjoy, of our Religion, Laws, and Liberties, under His present Majesty, the Prospect of their Continuation and future Security in His August Family, and very instructing to the *Grand Jury*. It is therefore order'd by this Court, that the Thanks of this Court be, and the same are hereby given to the said Sir *Clifford William Philipps*, for his said Charge; and farther, this Court desires, that he will be pleased to cause the same to be printed and published.

By the Court,

Bruncker.

To the Worshipful
Sir Clifford W^m Philipps, Kn^t.

Chairman of the General Quarter Session of
the Peace, held for His MAJESTY's Tower
of London, Liberties and Precincts thereof,
this 13th Day of October, 1746.

WE the Grand Jury, sworn to enquire for the
Body of the Liberty of the Tower of Lon-
don, Liberties and Precincts thereof, having this
Day received a most excellent, loyal, and useful
Charge from your Worship, do hereby return you
our most sincere and hearty Thanks for the same,
and pray that you will be pleased, for the Publick
Good, to cause the same to be printed.

Henry Ripp. Foreman.	Michael Grosber.
James Maze.	Arthur Silverside.
John Grayson.	Melz. Rand.
Evan Ellis.	Nicholas Hopkens.
Thomas Cooke.	Thomas Mason.
Peter Mazell.	Jos. King.
Richard Ainsworth.	R. Seotcher.
William Knight.	Thomas Mead.
Isaac Debew	Richard Taylor.
Robert Hyde.	Abraham Newhouse.
Fred. Cordis.	James Sturmy.
George Bowers.	

To the Right Honourable
Sir JOHN WILLES, Kt.

Lord Chief Justice of His
MAJESTY's Court of Com-
mon Pleas, and one of His
MAJESTY's most Honour-
able Privy Council.

MY LORD,



*Have presumed to do
my self the Honour, of
shewing my Veneration
for the most Excellent
Qualities, and Publick Virtues,
by this Dedication to your Lord-
ship.*

*Your uniform Zeal for the
Preservation of our happy Con-
stitution,*

DEDICATION.

stitution, the Honour, Peace, and Welfare of your Country; your warm Affection and constant Fidelity for the Security of His Majesty's Person, Family and Government, and the Protestant Religion, so remarkably distinguish'd in the Time of the late wicked, and unnatural Rebellion; and your affable and obliging Manner, in receiving and treating your Inferiors, notwithstanding your High Station; has encourag'd me to hope, that the Purity of my Endeavours to serve my King and Country, will meet with your Favour and Countenance: And plead my Excuse for the Imperfections in the following

DEDICATION.

lowing Charge, which cannot escape your Lordship's Penetration.

Nothing can be a stronger Proof of His Majesty's consummate Wisdom; of His Care and Concern for the Persons and Properties of His People; than by placing at the Head of the Court of Common Pleas, a Judge of unquestion'd Integrity; Master of Polite Literature, and Persuasive Eloquence; Eminent in the Law; Impartial in the Administration of Justice, and whose Dignity, Conduct, and Courage, in the Discharge of that High and Important Office, has been a Defence to British Liberty. These
tran-

DEDICATION.

*transcendent Virtues appear so
Glorious in your Lordship, and
are so universally acknowledg'd,
that they render you dear to the
whole Nation : And particular-
ly to him, who begs leave to
have the Honour of subscribing
himself,*

My LORD,

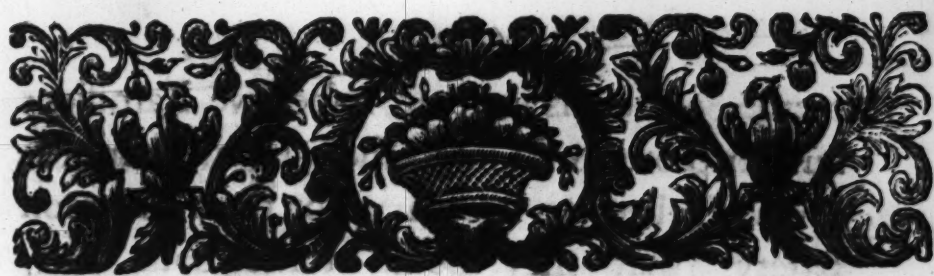
YOUR LORDSHIP'S

Most Devoted,

Most Obedient,

and Humble Servant,

C. W. Philipps.



THE THIRD
CHARGE
OF

Sir Clifford W^m Philipps, Kn^t.

Gentlemen of the Grand Jury,



THE Origin of Civil Government, the Increase, and the various Alterations it underwent, we have the earliest and most authentic Account of, in the sacred Records of the Books of *Moses*. From them we learn, that the first Government was Paternal: That *Adam*, and the first Patriarchs were su-

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preme Sovereigns in their respective Families ; but, in process of Time, these Families multiplying, it became necessary, for their common Safety, that they should unite both their Councils and their Strength, and form themselves upon a more extensive Plan of Government. And accordingly the *Jews* consented *Judges* 8. v. to be under a Theocracy, that is, ^{23.} God was their King, and govern'd ^{1 Sam. 12. v.} them in a remarkable Manner; ^{12.} and when they were brought under the *Egyptian* Yoke, and in the Desarts of *Arabia*, he *Deut* 33. v. 5. appointed *Moses* to be their King. This Office was not Hereditary, nor did it continue in his Family only during his Life: Nor was it to be stretch'd beyond its legal Bounds; but all its Authority was to be regulated by the Consent of the People, and the Approbation of the Divine Oracle.

JOSHUA was their next Ruler and Sovereign, and was succeeded by the Judges, who were God's Vicegerents, and upon extraordinary and sudden Occasions, were to deliver and protect the People. For tho' each Tribe was a distinct Province, and no one of them had any Superiority over the other, but each had its own Scepter, or Government,

ment, yet in what was necessary to maintain the Property, Liberty, and Peace of all the Tribes, as a united Body, was referr'd to a general Assembly, to receive its proper Sanction and Authority.

BUT this People, through Corruption, not content with God's Sovereignty over them, and being desirous of following the Mode of *Egypt, Babylon, Syria*, and the Rest of the *Pagan World*, chose *Saul* for their King and Ruler. Thus ended their *Theocratical* Dispensation; and their last King before their Captivity was *Zedekiah*. After their Return from *Assyria*, they were again governed by the Heads of their Tribes; and *Zerobabel*, a Prince of the Tribe of *Judah*, was their Chief Ruler. *Herod* was the first Stranger that reigned over them, and their last Sovereign.

By this short Account you have the Nature of the *Jewish* Government. I shall next explain their Courts of Judicature; such only as are mentioned in Scripture.

FIRST, the Tribes were divided into Thousands, Hundreds, Fifties, and Tens, over which there were appointed Captains; whose Business was to judge the People, and determine small Causes. Besides these, there were in every Town, others of Superiour Power, who are called Princes and Heads of the Tribes, and Judges and Officers throughout the Tribes: To each of these presided a Head or President; these decided Matters of a higher Nature.

THERE was also a Court of Seventy, chosen out of the two former. This great Council, of which *Moses* was President, was by him appointed in the Wilderness, and called the *Great Sanedrim*, or Judicature of Seventy, but some say *Aaron* was added to the Number, which made them consist of Seventy One. This was the highest Court of the *Jews*, and sat at *Jerusalem* only; but the other Courts sat in every City and Tribe. Before this great Senate both Civil Causes, and Criminal Offences, were tried and adjudged; and Matters of the highest Nature, and what belonged to the Safety of the Kingdom, were determined; and



and from whom there was no Appeal, tho' all other Courts appealed to this.

BUT some have been of an Opinion, that there was a fourth Court of Justice, Superior to this, called the *Congregation of the Lord*, and the whole Assembly of *Israel*, which was composed of all the other Courts, and the Chief of the People met together; before whom was the Case of the *Levite's* *Wife*, that was cut into Twelve *Pieces*. *Judg. 19, & 20.*

WHILE this Constitution remained, the Liberties of the People were secure; but when once national Councils were neglected, and there was no Judge or King in *Israel*, the Consequence was civil Wars among themselves, Invasions from Enemies, and lawless Power took Place.

THE Sacred Records also inform *Gen. 10. 8, 9, & 10.* us, that *Nimrod*, of the Race of *Cush*, Son of *Cham*, was the first real Monarch that exercised a Kingly Power: and that the Beginning of his Kingdom was *Babel*, about 130 Years after the Flood.

THUS

THUS it appears that the Origin of Civil Government was from the Consent and Agreement of the People; and their Good and Wellfare was the supreme Law: And that Governors, who were appointed for these great Ends, became accountable to those that appointed them; I do not mean to particular Men in their Single Capacities, but to the Collective Body of their Representatives lawfully assembled.

I SHALL now speak of the Government of this Nation, which hath anciently been, in its Frame and Constitution Monarchical, tho' never a pure Monarchy, which is a real Tyranny: but was Politically subjected to Laws, and now farther limited by such proper Negatives, as not to render it dishonourable to the King, and yet secure both to him and his People.

JURIES, the most essential Part of our Constitution, was established by the Great King *Alfred*; who drove out the *Danes*, encouraged and protected Learning, and guarded Liberty by this invaluable Institution, so much envy'd by the whole World.

THIS

THIS Just Prince, was such an Enemy to Corrupt Magistrates, that he caused Forty Four Judges, within the Space of a Year, to be executed for not doing Justice. Such Instances of Virtue are scarcely to be met with, especially in Popish Reigns. They are so fond of lawless Power, that no Compact or Laws can bind them. For this Reason, our Constitution, notwithstanding its good Laws and Limitations, can never be secure under Popish Monarchs. To render this conspicuous, I will mention several Instances from History.

To begin with *William* the First, and his Son *William* the Second, whom the People, to oblige, placed on the Throne, and rejected *Robert* his Elder Brother. This Favour he not only soon forgot, but oppressed the People by Extortions, Injustice, and Rapine: and therefore after his Death, before they chose *Henry* the First, who was also a Younger Brother, they had his Promises and Oaths that they should have their ancient Rights, and be governed according to Law: But in a little Time after his being fixed on the Throne, he incroached on the People's Rights and Liberties, and so violently exercised his
Prero-

Prerogative, that his Will became a Law, and the People were made subject to those cruel and oppressive Laws of the Forest.

IN the Reign of King *John*, the *Barons* demanded Restoration of the Laws of St *Edward* the *Saxon*, with their other Rights and Privileges, contained in the two Charters, the one called, *The Great Charter of Liberties*; and the other, *The Charter of the Liberties of the Forest*: To which the King agreed, and confirmed it by a Solemn Oath, and on the Side of the People, it was established by the Lords Spiritual and Temporal of the Realm. But this Compact setting Bounds to the regal Power, lasted not long; for in a little Time, regardless of his solemn Obligations, he broke this Agreement; and oppressed and enslaved the People as before.

IN the Reign of *Henry* the Third, the People were again obliged to demand Restitution and Establishment of these two Charters, which was granted by Act of Parliament, in the Ninth Year of his Reign, and are the two first in Print; besides this Act, *Henry* promised with an Oath, to see these Two Charters punctually observed;
and

and consented the Bishops should excommunicate him, in case he violated his Oath : But notwithstanding these Securities, *Henry* procured a *Bull* from *Rome*, to absolve him from this Obligation ; frequently levied Money on the People without Aid of Parliament, gave large Sums to *Rome*, and other Foreigners ; and violated those Laws he had sworn to maintain.

IN the two following Reigns, the People were again oppressed, and lewd wicked Persons were caressed and in high Esteem ; and even Murderers and Robbers, if condemn'd for their Crimes, were not punish'd, but pardon'd and set at Liberty ; and Parliaments, which were by Law, to be held twice a Year, were seldom called, but to serve the King's Purpose ; nay, *Edward* the Second was so cruel, and such a Tyrant, that the People could not longer bear him ; and therefore the Parliament, by Articles, impeached and deposed him, and seated his Son, called *Edward* the Third, though but in the Fifteenth Year of his Age, on the Throne : And passed several good Acts, particularly that for preventing Pardons to Murderers, and Robbers ; and that for

4 *Edw.* 3. c. 13.

4 *Edw.* 3. c. 14.

holding Parliaments once a Year, and oftner, as Occasion should require. Yet these Laws were not duly observed, but the same Evils were continued.

RICHARD the Second reign'd so Arbitrary, that he compelled the Judges to sign their Opinion that the King was above the Laws; and was so wicked, that he countenanced Rapes, and Murders, and laid such grievous and insupportable Burdens upon the People, that the Parliament accused him, by 33 Articles, and deposed him, and placed *Henry*, Duke of *Lancaster*, on the Throne.

HENRY the Sixth, and *Edward* the Fourth were also deposed.

HENRY the Seventh, oppressed the People by two infamous Ministers, Sir *Richard Empson* and *Edmund Dudley*, they caused such as were reputed Rich, to be accused of sundry Crimes, committed them to Prison, and extorted from them Fines, without bringing them to Tryal; they forced Jurors to find as they should direct; and if they refused, they were imprisoned and fined. Nay, they held

held Courts at their own Houses, cited People before themselves, and on Examination of the Parties, without Proof or Witnesses, or the use of Juries, in a Summary way, contrary to Law, proceeded to pass Sentence, and condemned them to pay large Fines, to the Use of the King.

H E N R Y the Eighth, altho' he was the Cause of the Reformation, yet must be consider'd amongst the Tyrants and Oppressors.

To shew the Cruelties, and Violations of our Laws, Religious, and Civil Rights, in the Reign of that wicked Woman, Queen *Mary*, *Henry's* Daughter, would fill a large Volume: Her bigotted Zeal for the *Romish* Religion, led her into all the Barbarities that were possible for Human Nature to be guilty of, for, on Account of the *Protestant* Religion, in one Year, no less than Sixty Seven Persons were burnt; amongst whom were Four Bishops, and Thirteen other Ecclesiasticks. And in the Year 1556, Eighty Five were put to Death in like manner. In the Island of *Guernsey*,
 a Woman big with Child, being

Burnet.
Fox.

Rapin. Vol.
 2. p. 45.
Fox.

condemn'd to be burnt, and the Violence of the Fire bursting her Womb, a Boy Child fell into the Flames, which being snatch'd out, by one more merciful than the rest, was, after a short Consultation, thrown in again by Command of the Magistrates who assisted at the Execution.

In the Reign of *Charles* the First, and *James* the Second, the intolerable Extortions, and insupportable Burdens laid on the People; the Violation of the Laws; the Subversion of the established Religion, and the People's Liberties, were so notorious, that it occasioned much Blood to be shed; and the violent and wicked Conduct, of the last of these two Reigns, brought Good out of Evil: For it laid the Foundation of that Glorious Revolution, which was the Author of that Blessing we now enjoy, in the Person of His present Majesty; our Rightful and Lawful Sovereign. In a Word, if you examine the most antient History of *England*, and trace from the first *Popish* Monarch, that ever sway'd the *British* Scepter, down to *James* the Second, you will (I am of an Opinion) find but few Reigns, in which the People were not oppress'd; and the Laws in some degree infringed. But on the contrary,
when

when ever the People enjoy'd all their ancient Rights and Privileges, inviolably ; it was always under a *Protestant* Government.

FROM this short Account of *Popish* Monarchs, I have fully made it appear, that the only real, and best Security to our Religion, Liberties, and Properties, and to the Preservation of our Excellent Constitution, is to have always a *Protestant* Prince upon the Throne. This is, Blessed be God, our present Happiness ; we have One, whose Royal Virtues are so conspicuous, that they render him the Darling and Delight of a Free and Happy People: For he Reigns with Magnanimity, Prudence, and Moderation, and governs according to the Laws of the Realm ; He is strictly Honest and Faithful to all His Engagements ; He is the Preserver and Maintainer of all our Civil Rights, and of the *Protestant* Religion, as established by Law ; He is no Persecutor, in Favour of an Idolatrous and Unchristian Worship, but on the contrary, makes that Toleration, which is by Act of Parliament allowed to *Protestant* Dissenters, His constant Care and Concern : And out of His Paternal Love is always ready to protect them, in the Free Exercise of their Faith in Serving God, according to their Consciences. AND

A N D farther ; to continue this Blessing, we have a *Protestant* Prince to succeed His Majesty, educated in the Principles of Liberty, with a Capacious Soul, fitted to adorn a *British* Throne ; and espoused to a Vertuous *Protestant* Princess, indowed with the most Noble and Amiable Qualities suited for an Imperial Diadem ; and whose Numerous and Beautiful Issue, are Pledges of our future Happiness, even to the latest Posterity.

B U T had a *Popish Pretender*, bred up at *Rome*, in Error, Superstition, and Tyranny, been seated on His Majesty's Throne, by a deluded and wicked *Rebel* Army, could we have enjoy'd these inestimable Blessings ? Oh No ! We must have been a Province to *France*, our perfidious, inveterate, and avowed Enemy ; Slaves to Lawless Power, Tributary to *Rome*, and Subject to their Idolatry ; have had Legions of their Monks and Fryars, to corrupt our Morals, and devour our Properties ; the National Debts spung'd, and our Real Estates sequester'd, and given to Murderers : For no Man's Life, Liberty, or Property, could have been secur'd under a Despotick Government, establish'd by Fire and Sword,

To

To reflect then properly on this miserable Change, it will certainly excite us, to be always ready with grateful Hearts, to acknowledge under God, our Second Great Deliverer; that Heroick and Undaunted Young Prince, the Duke of *Cumberland*: who, *Cato* like, fired with the Noblest Zeal, in the Cause of God, and *British* Liberty, ventured his precious Life thro' Snow and Ice, over barren Wilds, and dangerous Mountains, to face our Barbarous Enemies; and by his Wise Disposition, and Valiant Example, our Gallant Troops, near *Inverness*, bravely charged and routed our *Rebel* Foes: Thus by the conquering Sword of this Invincible Hero, our Domestick Peace is restored, and we preserved from all those Fatal Consequences I have just mentioned.

BUT let us not forget the Primary Cause of this signal Deliverance, but
render to Cæsar the Things that are *Mark. c. 12.*
v. 17.
Cæsar's, and unto GOD the Things
that are GOD's: This you may now do, by presenting all such as have affronted the Divine Majesty, or have offended against his Laws, or the Laws of your King and Country: This is the most Noble and Important
 Ser-

Service you can do the Sovereign of Heaven and Earth; and if performed consistent with your Oaths, will be an Honour to yourselves, and a great Benefit to the Inhabitants of this large and populous Liberty.

AND in order to enable you fully to discharge this Duty, I shall, under three Heads, lay before your View, those Offences that are presentable by Grand Juries.

First, THOSE that are committed against God Almighty, and the Christian Religion.

Secondly, His most Sacred Majesty, his Family and Government.

Thirdly, THE Persons and Properties of your Fellow-Subjects.

THE Offences under the first and second Head, and some under the third Head, I have fully spoke to already, in two Charges I deliver'd in this Place, and printed at the Desire of the Court and Grand Jury; which I shall present you with, for your better Instruction. This will save Repetition, and the Time of the Court. And therefore I will proceed

proceed to speak to such Offences only, that are not mention'd in those Charges. And First of Capital Felonies.

By the Twenty Fifth of *Edward* the Third, 'tis Petit Treason in a Servant to slay his Master, or a Wife her Husband, or a Man, Secular or Religious, his Prelate, to whom he oweth Faith and Obedience. And by the Twelfth of *Henry* the Seventh, any lay Person, that shall pre-pensedly Murder their Lord, Master, or Sovereign immediate, shall suffer Death without Benefit of Clergy. And so shall the Accessories, by the Fourth and Fifth of *Philip* and *Mary*.

25 *Edw.* 3.
St. 5. c. 2.

12 *Henry* 7.
c. 7.

23 *Henry* 8.
c. 1.

25 *Henry* 8.
c. 3.

1 *Edward* 6.
c. 12. f. 10.

4 & 5 *Pb.* &
Ma. c. 4.

By the Ninth of *Anne*, attempting to kill, or unlawfully assaulting and striking, or wounding a Privy Councillor, when in the Execution of his Office of a Privy Councillor, in Council, or in a Committee of Council, is likewise punishable with Death, as in Cases of Felony.

9 *Anne.* c. 16.

THE Making this Law, as appears by the Preamble to it, was occasioned by one *Anthony de Guiscard*, commonly called *Marquis de Guiscard*, a French Papist, who resided then in *England*, under the Queen's Protection, and subsisted by her Majesty's Bounty for some Years, was charged with holding a Traiterous Correspondence with *France*; and in the Year 1710, being taken into Custody by one of Her Majesty's Messengers, was carried before the Privy Council, and when under Examination, did, with a Penknife, in a barbarous Manner, stab the Right Honourable *Robert Harley Esq*; Chancellor of Her Majesty's Exchequer, and one of Her Majesty's Privy Council.

THIS was a remarkable Instance of Popish Gratitude ; I make no doubt, he would have serv'd Her Majesty in the same Manner, notwithstanding her Royal Goodness to him, had it been in his Power.

4 Hen. 8. c. 2.

23 Hen. 8. c. 1.

25 Hen. 8. c. 3.

1 Edw. 6. c.

12. s. 10.

ROBBING of any Churches, Chapels, or other Holy Places, is Felony without Benefit of Clergy.

THERE

THERE is a Crime not fit to be nam'd among Christians, that detestable and abominable Vice of Bug-gery, committed with Mankind, or Beast : This, as it justly deserves, is Punishable with Death.

25 *Hen* 8. c. 6.
5 *El.* c. 17.

So is the Stealing any Horse, Gelding, Mare, Fole, or Filly, and the Accessaries before, and after, to such Felonies:

37 *Hen* 8. c. 8.
1 *Ed.* 6. c. 12.
f. 10.
2 & 3 *Edw.* 6.
c. 33.
31 *El.* c. 12.
f. 5.

TAKING any Maid, Widow, or Wife, against her Will, unlawfully, and Marrying, or Defiling her, is Felony, without Benefit of Clergy, in the Takers, Procurers, and Abettors to the same, and also in receiving wittingly, the same Woman so taken against her Will, and knowing the same, be Felony.

3 *Hen.* 7. c. 2.
39 *El.* c. 9.

CUTTING and Taking, Stealing or carrying away of any Cloth, or other Woollen Manufactures, from the Rack or Tenter in the Night Time. Or feloniously Stealing, or Imbezzling any of His Majesty's Sails, Cordage, or any other of His Majesty's Naval Stores, to the Value of Twenty

22 *Car.* 2, c. 5.

Twenty Shillings, is also Felony without Benefit of Clergy.

4 George 2.
c. 16.

ANY Person, by Day or Night, that shall feloniously take, steal, and carry away ; or who shall Willfully or Maliciously hire, or procure for Money, or other Reward, any other Person or Persons feloniously to take, steal, and carry away, out of or from any whitening, or bleaching Croft, Lands, Fields, or Grounds, Bowking-House, Drying-House, or other Building, Ground, or Place made Use of by any Whitster, Throwster, Bowker, or Bleacher, for whitening, bowking, bleaching, or drying, any Linnen, Fustian, or Cotten Cloth, or Cloth worked, woven, or made of any Cotten and Linnen Yarn mixed, or any Thread, Linnen or Cotten Yarn, Linnen or Cotten Tape, Inle, Filleting, Laces, or any other Linnen, Fustian, or Cotton Goods, or Wares whatsoever ; laid, placed, or exposed to be whitened, bowked, bleached, or dried in any such whitening, bowking, bleaching, or drying Croft, Lands, Fields, Grounds, Houses, Buildings, or other Places, to the Value of Ten Shillings, or who shall buy or receive any such Goods or Wares, knowing the

the same to be stolen, shall be adjudged a Felon, and suffer Death. But the Act has left a Power in the Court to order Transportation if they think fit.

ANY Person, on Purpose, and of Malice fore-thought, and by 22 & 23 Car. 2. c. 1. s. 7. laying in wait, shall unlawfully cut out or disable the Tongue, put out an Eye, slit the Nose, cut off a Nose or Lip, or cut off or disable any Limb or Member of any Subject of His Majesty, with Intention in so doing to maim or disfigure in any the Manners before-mentioned, such His Majesty's Subjects : That then every such Person so offending, their Counsellors, Aiders, and Abettors, (knowing of, and Privy to the Offence, as aforesaid) shall be declared to be Felons, and shall suffer Death, without Benefit of Clergy.

THIS is often called the *Coventry Act*, owing to the Case of Sir *John Coventry*, Knight of the *Bath*, who in the Year 1670, was a Member of the House of Commons, and often opposed the Measures of the Court; a great Enemy to Popery, and a hearty Friend to his Country : Upon whom, and his Servant,

vant, in a Street in *Westminster*, a most inhuman Attempt was made by Sir *Thomas Sandys*, Knt. *Charles Obrian* Esq; and divers Others; they held him whilst his Nose was slit, rob'd, and gave him several barbarous Wounds: Upon which this Law was made, and therein is contained several Clauses relating to this Matter; and particularly one, which provides that no Pardon should be granted, but by Act of Parliament; this seems to confirm the Suggestions in History, that this wicked Fact was, by the King's Order, committed to the Duke of *Monmouth* his Natural Son, and that the Duke employed some other Persons, who, after the Deed, retired to his House.

Ecclard.

Kennet.

Burnet.

Rapin, vol. 2.

THE relating to you these Extracts from History, may be thought a Digression from the Business of instructing you in Matters proper for your Enquiry; but my Design in doing it, was, to shew you, and all that hear me, the Cruelties and Barbarities, that have been exercised by the Papists, under Popish Governments; and the lamentable Circumstances we should have been in, had the late wicked Rebellion succeeded. Let this

this short Account be to you all an Antidote against their poisonous and pernicious Principles; implant in you the greatest Love and Zeal for the *Protestant* Religion; and the highest Esteem and Veneration for that Government, which is the only Preserver and Defender of it.

BUT to proceed in the Business before us.

By the Twenty first of *James*
 the First, any Woman deliver'd ^{21 Ja. 1. c.}
 of a Bastard Child, Born alive, ^{27.}
 and endeavours, privately, either by Drown-
 ing, or secret Burying thereof, or any other
 way, either by her self, or the procuring of
 others, ~~so~~ to conceal the Death thereof, as
 that it may not come to light, whether it
 were born alive or not, shall suffer Death as
 in Case of Murder, except She can make
 Proof, by one Witness at the least, that the
 Child (whose Death was, by her, so intend-
 ed to be concealed) was born dead.

AND by another Act, in the
 Twenty first Year of the Reign ^{21 Ja. 1. c.}
 of *James* the First, every Person ^{26.}
 that shall acknowledge or procure to be
 acknow-

acknowledged, any Fine or Fines, Recovery or Recoveries, Deed or Deeds inrolled, Statute or Statutes, Recognizance or Recognizances, Bail or Bails, Judgment or Judgments, in the Name or Names, of any other Person or Persons, not Privy or Consenting to the same, shall be adjudged Felons, and suffer the Pains of Death, without the Benefit of Clergy.

12 Geo. 1. c. 32. f. 9. So by the Twelfth of *George* the First, shall the Forgers of the Hand of the Accountant General, appointed by the Court of Chancery, the Register, the Clerk of the Report-Office, or any of the Cashiers of the Bank of *England*, for receiving Effects belonging to the Suitors in Chancery, or the Forgers of *East India* or *South Sea* Bonds.

2 Geo. 2. c. 25. 9 Geo. 2. c. 18. By the Second of *George* the Second, 'tis also Felony without Benefit of Clergy, to falsly make, forge, or counterfeit, or cause or procure to be falsly made, forged, or counterfeited, or willingly act or assist in the false making, forging, or counterfeiting any Deed, Will, Testament, Bond, Writing Obligatory, Bill of

of Exchange, Promissary Note for Payment of Money, Indorsement or Assignment of any Bill of Exchange, or Promissary Note for Payment of Money, or any Acquittance or Receipt, either for Money or Goods, with Intention to defraud any Person whatsoever, and so is the Uttering, or Publishing, as true, any of these false Forgeries knowingly, with Intention to defraud any Person.

AND by this Act, stealing, or taking by Robbery any Exchequer Orders or Tallies, or other Orders, entitling any other Person or Persons to any Annuity or Share in any Parliamentary Fund, or any Exchequer Bills, Bank Notes, *South Sea* Bonds, *East India* Bonds, Dividend Warrants of the Bank, *South Sea*, or *East India* Company, or any other Company, Society, or Corporation, Bills of Exchange, Navy Bills, or Debentures, Goldsmiths Notes for Payment of Money, or other Bonds or Warrants, Bills, or Promissary Notes for the Payment of any Money, being the Property of any other Person or Persons, or of any Corporation, it is deemed and construed to be Felony of the same Nature, and in the same Degree, and with or without the Benefit of Clergy, in the

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same

same Manner as it would have been, if the Offender had stolen or taken by Robbery, any other Goods of like Value with the Money due on such Orders, Tallies, Bills, Bonds, Warrants, Debentures, or Notes, or secured thereby, and remaining unsatisfied.

This Law not being sufficient to punish other Forgeries affecting Trade, another Act ^{7 Geo. 2. c. 22.} was passed in the Seventh Year of His present Majesty, which likewise makes it Felony, without Benefit of Clergy, to falsly make, alter, forge, or counterfeit, or cause or procure to be falsly made, altered, forged, or counterfeited, or willingly act or assist in the false making, altering, forging, or counterfeiting any Acceptance of any Bill of Exchange, or the Number or Principal Sum of any accountable Receipt for any Note, Bill, or other Security for Payment of Money, or any Warrant or Order for Payment of Money, or Delivery of Goods with Intention to defraud any Person whatsoever. And so is the Uttering or Publishing as true, any of these Forgeries, knowing of them to be such, with Intention to defraud any Person.

I shall

I shall mention but one Felony more, and that is so by the Act of the Fourth of His late Majesty *George* the First, and I

4 *Geo.* 1. c.
11. s. 14.

am inform'd is now practiced in this Liberty : This Act declares, that wherever any Person taketh Money or Reward, directly or indirectly, under Pretence, or upon Account of helping any Person or Persons to any Stolen Goods or Chattels, every such Person so taking Money or Reward, as aforesaid (unless such Person doth apprehend, or cause to be apprehended, such Felon who Stole the same, and cause such Felon to be brought to his Trial for the same, and give Evidence against him) shall be guilty of Felony, and suffer the Pains and Penalties of Felony, according to the Nature of the Felony committed in Stealing such Goods, and in such and the same Manner as if such Offender had himself Stole such Goods and Chattels, in the Manner, and with such Circumstances as the same were stolen.

MISPRISION of Felony, is knowing another to have committed Felony, and not revealing it.

You will, in general, enquire and present all Felonies, and Misdemeanours; and, particularly,

cularly, common Nusances, in the Streets, Lanes, or other Publick Passages : In *Rosemary Lane* 'tis so notorious, that in an Afternoon, His Majesty's Subjects cannot pass and repass, without difficulty; occasioned by a number of disorderly Persons assembled together, under Pretence of buying old Cloths, but 'tis evidently known they are the Receivers of stolen Goods: I recommended this Nuisance to the last Jury.

You will present disorderly Houses, where the Seeds of Sedition and Rebellion are sown and propagated, by *Papists* and *Jacobites*; and all other Houses that harbour loose and wicked Persons, to the Disturbance of the Publick Peace.

You will present common Stirrers up and Procurers of Law-Suits, among
3 Edw. 1. c. 33. Neighbours; this is Barratry; and punishable by the Third of *Edward* the First.

3 Edw. 1. c. 25.
 28 Edw. 1.
 St. 3. c. 11.
 33. Edw. 1.
 St. 2. & St. 3. AND Maintenance or Champerty, is the Maintaining the Law-Suit of another, in order to have Part of the Thing sued for.

GET-

GETTING into Possession, Money or Goods of another Person, by false Tokens, or counterfeit Letter, made in any other Man's Name, is also presentable and punishable by imprisonment, setting upon the Pillory, or any Corporal Pain (except Death) as the Court shall limit. 3 Hen. 8. c. 1

EXTORTION in Officers, in the administration of Justice, you will also enquire of, and present to the Court. It is Extortion in any Clerk of Assize, Clerk of the Peace, or other Person whatsoever, to take any Fee or Reward of any Person that shall be Bound to appear to give Evidence against any Traitor or Felon, for the Discharge of any Recognizance for such Appearance ; or to demand or receive more than Two Shillings for the drawing any Bill of Indictment against any such Felon. And if they draw any Bill defective, they must draw a new Bill without Fee or Reward ; or forfeit Five Pounds, with full Costs of Suit. 10 & 11 W.3.
c. 23. s. 7.

It is Extortion in Sheriffs and Goalers to take any Thing for 4 Ed. 3. c. 10.
the

22 & 23 Car.
2. c. 20. f. 12.
2 Geo. 2. c.
12. f. 4.

the Receipt of Felons: Or to
take more Fees of Prisoners than
are settled and allowed according
to Law.

It is Extortion in a Coroner, upon an In-
3 *Hen. 7. c. 1.* quifition taken upon the View of
the Body slain, to take more
than Thirteen Shillings and Four Pence, and
that out of the Goods and Chattels of him
that is the Slayer and Murderer, but if he have
no Goods, then the Coroner is to have his
Fee, of such Amerciaments as shall fortune
any Township to be amerced for escape of
such Murderer. But by the First of *Henry*
1 *Hen. 8. c. 7.* the Eight, he is to take no Fee
for doing his Office upon any
Person Dead by Misadventure; upon Pain
to forfeit Forty Shillings for every Time, and
the same Penalty, if after Request made to
him to come and inquire upon the View of
any Person slain, drowned, or otherwise Dead
by Misadventure; he doth not diligently en-
deavour himself to do his Office, as afore is
said.

You will present Constables or other Peace
Officers, that refuse to do their Office, with-
out

out a Fee ; if they do not endeavour to preserve the Peace, or not truly execute and return all Warrants sent to them, from Justices of the Peace ; if they do not apprehend Profane Swearers and Curfers, Beggars, Rogues, and Vagabonds, that are wandring or begging within their Liberties, and carry them before some Justice of the Peace, to be dealt with according to Law.

If they do not present at the Sessions the Disorders in Ale-Houses, the Defects in the Pavements, and all other Nufances in the Streets, and Highways: Which leads me to put you in mind of a common Nufance, that is in daily Practice ; which is, hooping and cleansing Casks, setting empty Coaches to make or mend, or rough Timber or Stones to be Sawn or Wrought, and the laying Dung, Soil, or Rubbish in the Streets, Lanes, or open Passages, contrary to the Act of the Second of *William* ^{2 W. & M. c.} and *Mary* ; the Penalty is Twenty Shillings for every Offence. ^{8. s. 4.}

Gentlemen,

HAVING laid before you as many Offences as the allowed Time of the Court would per-

permit me, I shall refer the Application to you. I am perswaded from the Credit you bear, and your known Abilities, (which will supply any Defects of mine) and from the Consideration that the important Service you are engaged in, is the Cause of God, the King, and your Country; you will therefore acquit your selves of this ancient and honourable Office, in such a Manner, as shall fully answer the great and valuable Ends of its wise Institution.

F I N I S.



